

Mendez, Gayla

From: Purify, Johnnie
Sent: Wednesday, October 21, 2015 3:34 PM
To: Will Hendrick
Cc: Chandra Taylor
Subject: RE: NC NPDES permitting question

Hello Mr. Hendrick,

I just wanted to update you on the progress to answer the questions that you presented.

Staff have been actively working to find answers to the questions you have presented in your email. The timeline we had discussed via phone was a bit short-sighted on my part being new, but I will try to keep you abreast of any progress that is made moving forward.

At this time the historical question(s) you presented are taking the most time to run down a person who may have worked in the section during that period of time.

Thank you for your patience,

//JDP//

Johnnie D. Purify Jr.

Lieutenant Commander, U.S. Public Health Service
U.S. Environmental Protection Agency, Region 4
Water Protection Division
(Acting) Chief, NPDES Permitting Section/
Chief, Data and Information Analysis Section
404.562.9298 (Work) / 770.324.0957 (Mobile)
purify.johnnie@epa.gov
<http://www.linkedin.com/in/johnniepurify>



From: Will Hendrick [mailto:whendrick@selcnc.org]
Sent: Wednesday, October 14, 2015 4:05 PM
To: Purify, Johnnie <Purify.Johnnie@epa.gov>
Cc: Chandra Taylor <ctaylor@selcnc.org>
Subject: NC NPDES permitting question

Mr. Purify,

First, congratulations on your new position as Acting Branch Chief! I apologize for ambushing you on Day 2, but appreciate your willingness to help me respond to my clients' concerns. As discussed on the phone, I'm writing with some questions related to North Carolina's NPDES program. While I know NC administers the program through delegated authority pursuant to the MOA between the State and Region 4, I was hoping to gain some clarity from Region 4 before meeting with NC regulators to discuss this matter.

My questions arise from the application of [permitting guidance](#) adopted by NC in 2012. The guidance allows (and creates a procedure) for the reduction of the frequency of required monitoring for specified parameters in NPDES

permits issued to regulate discharges from sewerage systems (i.e., facilities included in Standard Industrial Classification category 4952). I would be thankful for any answers you can provide to the following inquiries:

- (1) Under the MOA, the State must keep EPA “fully informed and up-to-date regarding” both “[d]raft and final policy and program documents related to the State NPDES program” and “[d]raft, proposed, and final technical guidance and policies which pertain to the State NPDES program.” Was Region 4 made aware of the issuance of the guidance in 2012? If so, was the guidance approved by EPA?
- (2) Under 40 CFR 122.62, “If a permit modification satisfies the criteria in § 122.63 for ‘minor modifications’ the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in part 124 (or procedures of an approved State program) followed.” Under § 122.63, modifications requiring “more frequent monitoring or reporting by the permittee” are considered “minor modifications.” Are permit modifications that require *less* frequent monitoring or reporting by the permittee also considered “minor modifications”?
- (3) Under the MOA, the State is responsible for drafting permits “in accordance with 40 CFR Parts 122-123.” If a permit modification made pursuant to the 2012 guidance would lessen the frequency of required monitoring, must NC prepare a draft permit?
- (4) Under the MOA, EPA “will review all draft State NPDES program permits, permit modifications and revocation and reissuances” for “discharges from publicly owned treatment works (POTWs) with a daily average permitted discharge of at least 1.0 million gallons per day.” Does Region 4 review draft permit modifications made pursuant to the 2012 guidance, or is Region 4 simply alerted after the fact? (For instance, did EPA review the proposed modification of the NPDES permit issued for the operation of the Siler City WWTP—a POTW permitted to discharge up to 4.0 MGD—prior to issuance of modified monitoring requirements? See attached).
- (5) Under the MOA, public notice is required “whenever a draft permit has been prepared under 40 CFR Section 124.6(d) or a hearing has been scheduled pursuant to 40 CFR Section 121.12.” If the 2012 guidance is applied to lower monitoring frequency, and a draft permit is required, must NC provide public notice?
- (6) Under NC rules applicable to NC’s NPDES program, “Modifications and reissuance of permits shall be subject to the same public notice and other procedural requirements as the issuance of permits” with limited exceptions, one of which is applicable to “modifications of the monitoring program contained in the permit.” 15A NCAC 2H .0114. If reducing the frequency of requiring monitoring is *not* a minor modification, is this NC rule consistent with 40 CFR 122.62?

Thanks in advance for your help. I was glad to learn that this general issue was already on Region 4’s radar. I look forward to the help that you and your staff will provide.

Best,
Will

Will Hendrick
Associate Attorney
Southern Environmental Law Center
601 W. Rosemary Street, Suite 220
Chapel Hill, NC 27516-2356
(919) 967-1450
whendrick@selcnc.org

This electronic message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product or other privileges.



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

May 4, 2015

Mr. Bryan Thompson, Town Manager
Town of Siler City
P. O. Box 769
Siler City, North Carolina 27344-0769

Subject: NPDES Permit Modification
Permit Number NC0026441
Siler City WWTP
Chatham County

Dear Mr. Thompson:

Division personnel have reviewed and approved your application for minor modification of the subject permit. Accordingly we are forwarding the attached modified permit page. Please remove the existing "Effluent Limitations and Monitoring Requirements" page and replace it with the one attached to this letter.

This modification reduces the effluent monitoring frequencies for **Biochemical Oxygen Demand (BOD₅)**, **Total Suspended Solids (TSS)** and **Fecal Coliform** from **daily** to **2/week** monitoring. The modification was based upon an evaluation of three years of facility effluent monitoring data. The facility's performance satisfies the criteria established in the "DWQ Guidance Regarding the Reduction of Monitoring Frequencies in NPDES Permits for Exceptionally Performing Facilities" as approved by the Director of the Division of Water Resources on October 22, 2012, and justifies reduced monitoring for these parameters. The modified monitoring frequencies will become effective on June 1, 2015.

Ammonia Nitrogen (NH₃-N) did not meet the guidance standard that no more than 15 daily sampling results over the 3-year (36 months) review period (March 2012 to February 2015) can be over 200% of the monthly average limit for NH₃-N. For parameters with summer and winter limits, an annual arithmetic mean of the seasonal limits was used in the calculation which was 1.42 mg/L [seven (7) months with 1.0 mg/L and five (5) months with 2.0 mg/L]. Sixteen (16) daily samples were greater than 200% of this arithmetic mean which is 2.83 mg/L. Monitoring frequency for **Ammonia Nitrogen (NH₃-N)** is **daily**.

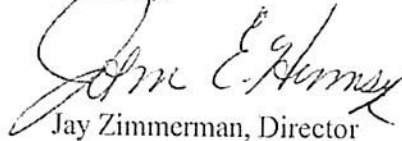
This modification is issued pursuant to the requirements of North Carolina General Statute 143-215.1 and the Memorandum of Agreement between North Carolina and the U.S. Environmental Protection Agency dated October 15, 2007 (or as subsequently amended).

Mr. Thompson
NC0026441 Monitoring Frequency Reduction 2015
Page 2 of 2

Please note that this permit is not transferable except after notice to the Division. The Division may require modification or revocation and reissuance of the permit. This permit does not affect the legal requirements to obtain other permits which may be required by the Division of Water Resources or any other Federal, State, or Local governmental permits that may be required.

If you have any questions concerning this permit, please contact Derek Denard at telephone number (919) 807-6307 or via e-mail at derek.denard@ncdenr.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Zimmerman".

Jay Zimmerman, Director
Division of Water Resources, NCDENR

attachment

cc: Central Files
DWR/Raleigh Regional Office – Danny Smith
NPDES Permit File
cc: EPA Region 4 [r4npdespermits@epa.gov]

Part I

A. (1) EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. During the period beginning with the effective date and lasting until expiration, the Permittee is authorized to discharge treated wastewater through Outfall 001. Such discharges shall be limited and monitored¹ by the Permittee as specified below:

PARAMETERS	EFFLUENT LIMITS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type	Sample Location ²
Flow	4.0 MGD			Continuous	Recording	Influent or Effluent
BOD, 5 day, 20°C ³ (April 1 thru October 31)	5.0 mg/L	7.5 mg/L		2/Week ¹⁰	Composite	Influent and Effluent
BOD, 5 day, 20°C ³ (November 1 thru March 31)	10.0 mg/L	15.0 mg/L		2/Week ¹⁰	Composite	Influent and Effluent
Total Suspended Solids ³	30.0 mg/L	45.0 mg/L		2/Week ¹⁰	Composite	Influent and Effluent
NH ₃ as N (April 1 thru October 31)	1.0 mg/L	3.0 mg/L		Daily	Composite	Effluent
NH ₃ as N (November 1 thru March 31)	2.0 mg/L	6.0 mg/L		Daily	Composite	Effluent
Fecal Coliform (geometric mean)	200/ 100 ml	400/ 100 ml		2/Week ¹⁰	Grab	Effluent
Total Residual Chlorine (TRC) ⁴			17 µg/L	Daily	Grab	Effluent
Temperature (°C)				Daily	Grab	Effluent
Dissolved Oxygen	Daily average ≥ 6.0 mg/L			Daily	Grab	Effluent
pH	≥ 6.0 and ≤ 9.0 standard units			Daily	Grab	Effluent
Total Nitrogen (NO ₂ + NO ₃ + TKN)				Weekly	Calculated	Effluent
NO ₃ -N + NO ₂ -N (mg/L)				Weekly	Composite	Effluent
TKN (mg/L)				Weekly	Composite	Effluent
Total Phosphorus ⁵ (April 1 thru September 30)	0.5 mg/L (quarterly average)			Weekly	Composite	Effluent
Total Phosphorus ⁵ (October 1 through March 31)	2.0 mg/L (quarterly average)			Weekly	Composite	Effluent
Total Cadmium ⁶	2.1 µg/L		15.5 µg/L	Monthly	Composite	Effluent
Total Copper				Quarterly ⁷	Composite	Effluent
Total Zinc				Quarterly ⁷	Composite	Effluent
Chloride				Quarterly ⁷	Composite	Effluent
Chronic Toxicity ⁸				Quarterly	Composite	Effluent
Effluent Pollutant Scan	Monitor and Report			Footnote 9	Footnote 9	Effluent

Footnotes:

1. No later than March 1, 2015, begin submitting discharge monitoring reports electronically using NC DWR's eDMR application system. See Condition A. (7).
2. Instream monitoring shall be performed in accordance with Condition A. (2).
3. The monthly average effluent BOD5 and Total Suspended Solids concentrations shall not exceed 15 % of the respective influent value (i.e., 85% removal is required).
4. TRC limits and monitoring requirements apply only if chlorine or chlorine derivatives are used for disinfection. The Permittee shall report all effluent TRC values reported by a NC-certified laboratory [including field-certified]. Effluent values below 50 µg/L will be treated as zero for compliance purposes.
5. Compliance with the Total Phosphorus limits shall be based on a calendar-quarter average of weekly samples.
6. Total Cadmium limits become effective December 1, 2015. Monitoring shall begin on the effective date. See Condition A. (6).

Footnotes A.(1) Continued:

7. Sample Quarterly in conjunction with Chronic Toxicity Test.
8. Chronic Toxicity (*Ceriodaphnia*) at 90 %; quarterly during March, June, September, December [see Condition A. (8)].
9. The permittee shall perform three Effluent Pollutant Scans during the term of this permit [see Condition A. (9)].
10. Sampling must occur on any two non-consecutive days during the calendar week (Sunday through Saturday).

b. Effluent shall contain no floating solids or foam visible in other than trace amounts.

A. (2) INSTREAM MONITORING REQUIREMENTS

Parameter	Sample Type	Location ¹	Measurement Frequency ²
Dissolved Oxygen	Grab	LCU, LCD, RRU, RRD	3/Week (June – September), 1/Week (October-May)
Temperature	Grab	LCU, LCD, RRU, RRD	3/Week (June – September), 1/Week (October-May)
Total Phosphorus	Grab	LCU, LCD, RRU, RRD	Monthly
TKN	Grab	LCU, LCD, RRU, RRD	Monthly
NO ₃ -N + NO ₂ -N	Grab	LCU, LCD, RRU, RRD	Monthly

Footnotes:

1. LCU - Loves Creek, upstream of the discharge; LCD - Loves Creek, downstream of the discharge and above the confluence with the Rocky River; RRU - Rocky River, upstream of the confluence with Loves Creek; RRD - Rocky River, downstream of the confluence with Loves Creek.
2. All monitoring is required to be performed at the above-mentioned monitoring locations. Instream Monitoring may be performed by the Upper Cape Fear River Basin Association as outlined in the Memorandum of Agreement (MOA) between the association and the permittee. If so, the data is to be collected and submitted to DWR in accordance to the terms of the MOA. Should membership in this association terminate for any reason, the permittee shall immediately notify the Division's NPDES Unit in writing and resume responsibility to monitor and report the above parameters as specified in this permit.

A. (3) NUTRIENT REOPENER

In the event that Permittee proposes to accept future industrial process wastewater that is expected to contain concentrations of Total Nitrogen (TN) and/ or Total Phosphorus (TP) greater than typical domestic wastewater concentration (i.e. greater than 40.0 mg/ L TN or greater than 5.0 mg/ L TP), the Permittee shall notify the NPDES Complex Permitting Unit of the Division at 1617 Mail Service Center, Raleigh, NC 27699 and the Raleigh Regional Office at 3800 Barrett Drive, Raleigh, NC 27609 within 30 days of knowledge that the town is considering accepting new industrial process wastewater containing excess nutrients. The notification shall contain information regarding the proposed discharge flow, composition and treatability in the Siler City WWTP. Changes in effluent characteristics may require a permit modification, so notification should be at least 180 days prior to the start of the proposed discharge.

Based on information provided by the Town regarding a potential new industrial process wastewater with high nutrient concentration, and pursuant to N.C. General Statute Section 143-215.1 and the implementing rules found in Title 15A of the North Carolina Administrative Code, Subchapter 2H, specifically, 15A NCAC 2H.0112(b) (1) and 2H.0114(a), and Part II, Sections B-12 and B-13 of this permit, the Director of DWR may then reopen this permit to require supplemental nutrient limits for Total Nitrogen and/ or Total Phosphorus in accordance with the current Basin Plan for the Cape Fear River Basin.

Town of Siler City

SILER CITY, NORTH CAROLINA 27344-0769

PO BOX 769
311 N SECOND AVENUE



PHONE (919) 742-4731
FAX (919) 663-3874

March 25, 2015

RECEIVED/DENR/DWR

NC Department of Environment and Natural Resources
Division of Water Quality/NPDES Unit
ATTN: Mr. John Hennessy
1617 Mail Service Center
Raleigh, NC 27699-1617

APR - 2 2015

Water Quality
Permitting Section

Subject: NPDES Permit Modification Request
Sampling Reduction Request
Town of Siler City
NPDES Permit #NC0026441
Chatham County

Dear Mr. Hennessy:

The Town of Siler City is requesting a minor permit modification of NPDES Permit NC0026441 for a reduction in sampling. We request that monitoring for BOD₅, TSS, Ammonia Nitrogen and Fecal Coliform be reduced under the "exceptionally performing facilities" criteria to two times per week. The attached data (summarized in the following table) indicates that the WWTP effluent has exceeded the minimum criteria for reduced monitoring. The most restrictive summer limit was used for calculating all BOD₅ and Ammonia Nitrogen removal rates. In addition to the test results, the Siler City WWTP is in compliance with all other criteria listed in Section B Approval Criteria of the October 22, 2012 guidance document regarding reduction of monitoring frequencies. The date used for this analysis was for the period of January 2012 – February 2015.

Analysis of testing results for the past three years:

Percent of Monthly Average Limit

Parameter	Monthly Limit	3-Year Average	% of Limit
BOD ₅	5.0 mg/l	1.5 mg/l	30 %
TSS	30.0 mg/L	0.7 mg/L	2.5 %
NH ₃	1.0 mg/l	0.21 mg/l	21%

Fecal Coliform	200/100 ml	5.5 colonies/100 ml	3 %
----------------	------------	---------------------	-----

Number of Samples Over 200% of Monthly Average Limit

Parameter	200% of Monthly Limit	Number of Samples Over
BOD ₅	10 mg/l	2
TSS	60 mg/L	0
NH ₃	2 mg/l	4
One (1) Fecal Coliform sample exceeded 200% of the weekly average limit		


The Town appreciates the Division's effort to reduce the regulatory and monetary burden on systems that strive consistently to provide exceptional wastewater treatment. We thank you for your consideration in these matters. If you have any additional questions or comments, please call Chris McCorquodale at 919/742-4581.

Sincerely,



Bryan Thompson, Town Manager
Town of Siler City

Three Year Data Summary - Siler City NPDES #0026441

2012	BOD Ave	3OD Ma:	TSS Ave	TSS Max	FC Ave	FC Max	NH ₃ Ave	NH ₃ Max
January	1.0	6.3	0.0	< 2.5	1	2	1.2	3.5
February	0.0	2.0	0.0	< 2.5	1	1	0.0	<0.5
March	0.0	2.0	0.0	< 2.5	1	1	0.0	<0.5
April	1.7	4.2	0.0	< 2.5	1	3	0.0	<0.5
May	2.5	4.1	0.0	< 2.5	2	295	0.0	<0.5
June	2.4	3.8	0.0	< 2.5	3	9	0.0	<0.5
July	4.1	5.7	0.0	< 2.5	5	57	0.1	0.8
August	2.1	4.2	0.1	< 2.5	4	16	0.0	<0.5
September	1.3	4.1	0.1	< 2.5	10	32	0.0	<0.5
October	0.8	2.9	0.0	< 2.5	4	14	0.0	<0.5
November	0.8	3.9	0.0	< 2.5	2	6	0.0	<0.5
December	0.5	2.3	0	< 2.5	1	1	0.1	<0.5
2013	BOD Ave	3OD Ma:	TSS Ave	TSS Max	FC Ave	FC Max	NH ₃ Ave	NH ₃ Max
January	1.4	5.5	0.3	3.3	1.2	4	0.5	3.0
February	2.0	4.4	2.1	7.3	1	2	0.4	3.7
March	2.9	8.9	3.6	7.5	1	1	1.0	4.0
April	1.5	3.6	0.0	< 2.5	2	11	0.0	<0.5
May	2.1	4.1	0.3	1.0	14	200	0.0	<0.5
June	1.4	4.0	0.1	< 2.5	18	45	0.1	2.0
July	1.9	8.6	0.3	3.6	39	265	0.5	5.4
August	0.9	4.6	0.0	< 2.5	40	133	0.0	<0.5
September	1.1	5.0	0.0	< 2.5	29	56	0.0	<0.5
October	0.6	4.4	0.0	< 2.5	20	43	0.1	<0.5
November	1.4	7.1	0.0	< 2.5	22	1900	0.1	<0.5
December	2.1	15.1	0.0	< 2.5	2	11	0.0	<0.5
2014	BOD Ave	3OD Ma:	TSS Ave	TSS Max	FC Ave	FC Max	NH ₃ Ave	NH ₃ Max
January	0.6	4.6	0.2	4.2	2	535	0.1	2.3
February	1.3	3.9	0.5	3.9	1	4	1.3	6.2
March	4.1	25.5	3.8	44.0	2	3	1.3	8.3
April	2.7	3.9	0.0	< 2.5	4	16	0.0	<0.5
May	2.8	6.7	0.9	8.9	44	760	0.1	0.9
June	1.3	4.0	0.0	< 2.5	43	230	0.0	<0.5
July	1.6	5.6	0.2	< 2.5	26	59	0.1	0.8
August	0.7	4.8	0.4	4.7	23	420	0.5	5.2
September	0.6	4.0	0.0	< 2.5	38	57	0.0	<0.5
October	0.7	3.6	0.0	< 2.5	27	48	0.0	<0.5
November	1.3	3.5	4.5	13.0	30	381	0.0	<0.5
December	1.1	3.1	3.4	10.2	6	23	0.0	< 0.5
2015	BOD Ave	3OD Ma:	TSS Ave	TSS Max	FC Ave	FC Max	NH ₃ Ave	NH ₃ Max
January	2.3	5.2	3.7	10.3	4	240	0.0	0.5
February	1.1	5.7	2.2	7.3	2	14	0.1	1.4
3-Year Arithmetic Average	1.5		0.7				0.21	
3-Year Geometric Mean Average				5.5				
Permit Limit	5.0		30.0		200		1.0	
% of Limit	30%		2.5%		3%		21%	

DATE 5/1/2015
Facility Name Siler City WWTP
NPDES Permit # NC 0026441

Have any Civil Penalties assessed against the facility during the past 3 years? Yes / No

Data Review

Period of Review (POR)

From: Mar 12 To: Feb 15

Mar 12 → Feb 13
Mar 13 → Feb 14
Mar 14 → Feb 15

not since 12/02/03

BOD

0310

0 Number of permit limit violations for BOD that occurred during the previous year

Permit Monthly Average Limit 5.0 + 10.0 mg/L 2.08

3 Year Effluent Data Average 2.60 mg/L

5 Highest Daily Values During POR

<u>25.5</u>	Date: <u>3/10/14</u>
<u>15.6</u>	Date: <u>3/11/14</u>
<u>15.1</u>	Date: <u>12/19/13</u>
<u>8.9</u>	Date: <u>3/6/13</u>
<u>8.9</u>	Date: <u>3/7/13</u>

TSS

0530

0 Number of permit limit violations for TSS that occurred during the previous year

Permit Monthly Average Limit 70 mg/L

3 Year Effluent Data Average 2.92 mg/L

5 Highest Daily Values During POR

<u>44</u>	Date: <u>3/10/14</u>
<u>27</u>	Date: <u>3/11/14</u>
<u>25</u>	Date: <u>9/21/12</u>
<u>13</u>	Date: <u>11/25/14</u>
<u>10.3</u>	Date: <u>1/12/15</u>

NH₃-N

CD 610

0 Number of permit limit violations for NH₃-N that occurred during the previous year

Permit Monthly Average Limit 1.0 + 2.0 = ~~2.0~~ 1.42 mg/L

3 Year Effluent Data Average 0.64 mg/L

5 Highest Daily Values During POR

<u>8.3</u>	Date: <u>3/10/14</u>
<u>8.3</u>	Date: <u>7/11/14</u>
<u>6.2</u>	Date: <u>2/28/14</u>
<u>5.8</u>	Date: <u>2/18/14</u>
<u>5.4</u>	Date: <u>7/12/13</u>

Fecal Coliform/Enterococci

~~ORBIT~~ 31616

0 Number of permit limit violations for Fecal Coliform/Enterococci that occurred during the previous year

Permit Monthly Average Limit 200 /100ml

3 Year Effluent Data Geometric Mean 5.78 /100ml

5 Highest Daily Values During POR

<u>1900</u>	Date: <u>11/15/13</u>
<u>760</u>	Date: <u>5/16/14</u>
<u>535</u>	Date: <u>1/2/14</u>
<u>420</u>	Date: <u>8/13/14</u>
<u>381</u>	Date: <u>11/21/14</u>

Daily data must be depicted graphically on attached sheets for each parameter.

I certify that the information provided on this permit modification request sheet is accurate and complete to the best of my knowledge.

Signature/Title

Data Review Summary
Monitoring Frequency Reduction Evaluation

Facility Name
NPDES Permit
Receiving Stream
303(d) listed?
Data Period of Review
Reviewed by
Date

Siler City WWTP
NC0026461
Loaves creek 17-43-10
Yes No
2012 - Feb 2015
Derek Demard
May 1, 2015

Basin: Cape Fear

not listed
for Fecal Coliform
or any of these
parameters.

BOD₅

Permit Limits:

Summer 7 months
Monthly Avg. 5.0 mg/L Weekly Avg. 7.5 mg/L

Winter 5 months
Monthly Avg. 10.0 mg/L Weekly Avg. 15.0 mg/L

3 Year Average 14.16 2.60
Daily Values > 2.58 mg/L (target = 3.54)

average of
limits $\frac{7.08}{2} = 3.54$
 $3.54 \times 200\% = 7.08$
 $7.08 \times 200\% = 14.16$

Meets the review guidance standards for this parameter? yes

TSS

Permit Limits:

All Months
Monthly Avg. 70 mg/L Weekly Avg. 45 mg/L

3 Year Average 2.92 mg/L (target = 15)

Daily Values > 60 mg/L

Meets the review guidance standards for this parameter? yes

NH₃-N

Permit Limits:

Summer
Monthly Avg. 1.0 mg/L Weekly Avg. 3.0 mg/L

Winter
Monthly Avg. 2.0 mg/L Weekly Avg. 6.0 mg/L

3 Year Average 0.64 mg/L (target = 0.71)

Daily Values > 2.83 mg/L

Meets the review guidance standards for this parameter? No

$\frac{(1 \times 7) + (2 \times 5)}{12} = 1.416$
 $1.416 \times 50\% = 0.71$
 $0.71 \times 200\% = 1.416$

Fecal Coliform/Enterococci

Permit Limits:

All Months
Monthly Avg. 200 /100 ml Weekly Avg. 400 /100 ml

3 Year Geometric Mean 5.78 (target = 100)

Daily Values > 800

Meets the review guidance standards for this parameter? yes

Attach Violation and Enforcement Reports

DATE 05/01/2015
Facility Name Siler City WWTP
NPDES Permit # NC0026441

Have any Civil Penalties assessed against the facility during the past 3 years? **No: Not since 2003.**
See attached Permit Enforcement History by Permit.

Data Review

Period of Review (POR)

From: March 2012 To: February 2015

BOD

0 Number of permit limit violations for BOD that occurred during the previous year: **See attached Monitoring Report(MR) Violations 03-2013 to 02-2015. No action, best professional judgment was taken for a 02/28/2015 missing BOD. Unsafe to sample due to winter storm.**

Permit Monthly Average Limit: 5.0 / 10.0 mg/L (Summer/Winter) [7.08 mg/L annual arithmetic mean of seasonal limits]

3 Year Effluent Data Average: 2.60 mg/L: **See attached CO310 -BOD data.**

5 Highest Daily Values During POR

25.5 Date: 03/10/2014

15.6 Date: 03/11/2014

15.1 Date: 12/19/2013

8.9 Date: 03/06/2013

8.9 Date: 03/07/2013

TSS

0 Number of permit limit violations for TSS that occurred during the previous year: **See attached Monitoring Report(MR) Violations 03-2013 to 02-2015. No action, best professional judgment was taken for a 02/28/2015 missing TSS. Unsafe to sample due to winter storm.**

Permit Monthly Average Limit 30 mg/L

3 Year Effluent Data Average 2.92 mg/L: **See attached CO530 -BOD data.**

5 Highest Daily Values During POR

44 Date: 03/10/2014

27 Date: 03/11/2014

<25 Date: 09/21/2012

13 Date: 11/25/2014

10.3 Date: 01/12/2015

NH₃-N

0 Number of permit limit violations for NH₃-N that occurred during the previous year: **See attached Monitoring Report(MR) Violations 03-2013 to 02-2015. No action, best professional judgment was taken for a 02/28/2015 missing NH₃-N. Unsafe to sample due to winter storm.**

Permit Monthly Average Limit 1.0 / 2.0 mg/L (summer/winter) [1.42 mg/L annual arithmetic mean of seasonal limits]

3 Year Effluent Data Average 0.64 mg/L See attached CO610 - NH₃-N data.

5 Highest Daily Values During POR

8.3 Date: 03/10/2014

8.3 Date: 03/11/2014

6.2 Date: 02/28/2014

5.8 Date: 02/18/2014

5.4 Date: 07/12/2013

Fecal Coliform/Enterococci

0 Number of permit limit violations for Fecal Coliform/Enterococci that occurred during the previous year: **See attached Monitoring Report(MR) Violations 03-2013 to 02-2015. No action, best professional judgment was taken for a 02/28/2015 missing Fecal Coliform. Unsafe to sample due to winter storm.**

Permit Monthly Average Limit 200 /100ml

3 Year Effluent Data Geometric Mean 5.78 /100ml: See attached 31616 – Fecal Coliform data.

5 Highest Daily Values During POR

1900 Date: 11/15/2013

760 Date: 05/16/2014

535 Date: 01/02/2014

420 Date: 08/13/2014

381 Date: 11/21/2014

Data Review Summary
Monitoring Frequency Reduction Evaluation

Facility Name Siler City WWTP
NPDES Permit NC0026441
Receiving Stream Loves Creek [17-43-10] Basin: Cape Fear
303(d) listed? Yes: Listed for DO, Benthos Fair, and Fish Tissue Hg (see attached 2012 North Carolina 303(d) List-Category 5)
Data Period of Review March 2012- February 2015
Reviewed by Derek Denard
Date May 1, 2015

BOD₅

Permit Limits:

	<u>Summer (7 months)</u>		<u>Winter (5 months)</u>	
	<u>Monthly Avg.</u>	<u>Weekly Avg.</u>	<u>Monthly Avg.</u>	<u>Weekly Avg.</u>
	<u>5.0 mg/L</u>	<u>7.5 mg/L</u>	<u>10.0 mg/L</u>	<u>15.0 mg/L</u>

[used 7.08 mg/L annual arithmetic mean of seasonal limits]
3 Year Average 2.60 mg/L (target = 3.54)
Daily Values > 14.6 mg/L 3
Meets the review guidance standards for this parameter? Yes

TSS

Permit Limits:

	<u>All Months</u>	
	<u>Monthly Avg.</u>	<u>Weekly Avg.</u>
	<u>30 mg/L</u>	<u>45 mg/L</u>

3 Year Average 2.92 mg/L (target = 15)
Daily Values > 60 mg/L 0
Meets the review guidance standards for this parameter? Yes

NH₃-N

Permit Limits:

	<u>Summer</u>		<u>Winter</u>	
	<u>Monthly Avg.</u>	<u>Weekly Avg.</u>	<u>Monthly Avg.</u>	<u>Weekly Avg.</u>
	<u>1.0 mg/L</u>	<u>3.0 mg/L</u>	<u>2.0 mg/L</u>	<u>6.0 mg/L</u>

[used 7.08 mg/L annual arithmetic mean of seasonal limits]
3 Year Average 0.64 mg/L (target = 0.71)
Daily Values > 2.83 mg/L 16
Meets the review guidance standards for this parameter? NO: more than 15 daily (16) sampling results in the review period over the 200% of monthly average limit

Fecal Coliform/Enterococci

Permit Limits:

	<u>All Months</u>	
	<u>Monthly Avg.</u>	<u>Weekly Avg.</u>
	<u>200/100 ml</u>	<u>400/100 ml</u>

3 Year Geometric Mean 5.78 (target = 100)
Daily Values > 800 1
Meets the review guidance standards for this parameter? Yes
Attach Violation and Enforcement Reports

DWQ Guidance Regarding the Reduction of Monitoring Frequencies in NPDES Permits for Exceptionally Performing Facilities

October 22, 2012

A. Purpose

In its efforts to reduce the regulatory burden upon permittees while maintaining adequate compliance oversight over point source discharges, DWQ has developed the following guidance for the reduction of monitoring frequencies in NPDES permits for specific target parameters. Standard minimum NPDES monitoring frequencies are established in 15A NCAC 2B .0508 for discharges from facilities with specific Standard Industrial Classification (SIC) categories. However, 2B .0508(b)(1) states: "If it is demonstrated to the satisfaction of the Director that any of the tests and measurements, sampling points, or frequency of sampling requirements, as required in this Rule for a particular SIC group, are not applicable to the discharge of a particular water pollution control facility, or if it can be demonstrated that the objectives of this Section can be achieved by other acceptable means then such requirements may be waived or modified to the extent that the Director determines to be appropriate." This document identifies criteria to be used by DWQ that satisfies the regulatory standard for the allowance of reduced monitoring frequencies for facilities included in SIC 4952.

This guidance applies to facilities with outstanding NPDES program compliance histories, exhibiting effluent discharges that are excellent in both quality and consistency. Such performance will demonstrate that compliance for particular parameters can be adequately evaluated with less monitoring. Facilities demonstrating consistent, long-term treatment performance at levels far below effluent limitations (<50%) may be considered for a reduction in monitoring from existing permit frequencies to a 2/week minimum frequency for the parameters BOD₅, CBOD₅, TSS, NH₃-N and fecal coliform/enterococci (the "target parameters").

B. Approval Criteria

Individual NPDES facilities shall submit a written request to modify their NPDES permit specifying which parameters are to be considered for reduced monitoring. Permit holders must include with their requests sufficient data, statistical analyses, and other information to support the justification for reduced monitoring. NPDES permit staff shall review the application and supporting information. Approval of reduced monitoring frequency shall be granted if all the criteria below are met:

- The facility has no more than one civil penalty assessment for permit limit violations for each target parameter during the previous three years.
- Neither the permittee nor any of its employees have been convicted of criminal violations of the Clean Water Act within the previous five years.
- The facility is not currently under an SOC for target parameter effluent limit noncompliance.
- The facility is not on EPA's Quarterly Noncompliance Report for target parameter limit violations.
- For BOD₅, CBOD₅, TSS, NH₃-N and TSS, the three year arithmetic mean of effluent data must be less than fifty percent of the monthly average permit limit. For fecal coliform or enterococci, the

three year geometric mean must be less than 50 percent of the monthly average permit limit. For parameters with summer and winter limits, an annual arithmetic mean of the seasonal limits may be used in the calculation.

- With the exception of fecal coliform or enterococci, no more than 15 daily sampling results over the 3-year review period can be over 200% of the monthly average limit for BOD₅, CBOD₅, TSS, or NH₃-N. Values associated with documented impacts of extreme weather or events beyond the control of the permittee will not be included.
- For fecal coliform or enterococci, no more than 20 daily sampling results may be over 200% of the weekly average limit. Values associated with documented impacts of extreme weather or events beyond the control of the permittee will not be included.
- For the four target parameters, sampling results shall not show more than two non-monthly average limit violations during the previous year.
- Reduced effluent monitoring must not impair assessment of sensitive downstream uses, such as endangered species.

C. Implementation

After DWQ review and approval, the facility's NPDES permit will be reissued with reduced monitoring frequencies for qualified parameters. Additional NPDES permit requirements will include:

- Eligible facilities may be granted a reduction from existing permit monitoring frequencies to a 2/week minimum frequency for the four target parameters. Reductions will be made for both effluent and influent sampling.
- Where monitoring is reduced to twice per week, it must occur on any two non-consecutive days during the calendar week (Sunday through Saturday).
- Required monitoring frequency reductions establish new permit minimums for monitoring. As always, facilities may monitor more often than required in the permit.
- If a reportable event, as defined by the permit [e.g., Part II (E) (6 & 9)] occurs, any facility granted reduced monitoring frequencies will be encouraged to monitor on a daily basis until the episode is resolved.

Monitoring frequency reduction from the minimum frequencies reductions established by the rules are based upon consistent, exceptional performance. DWQ may revoke on a case-by-case basis these reductions if the facility begins to perform in noncompliance with permit limits. If a facility's monitoring reduction for a specific parameter is removed through permit modification, reconsideration of monitoring frequency reduction will only occur three years following the revocation/permit modification action, or at the next permit renewal.

Permit Enforcement History by Permit

Permit: NC0028441		Facility: Siler City WWTP		Owner: Town of Siler City								
Region:	Raleigh	County:	Chatham									
Case Number	Penalty Assessment Approved	Penalty Amount	Enforcement Costs	Damages	Remission Request Received	Enforcement Conference Held	EMC Hearing Held	Collection Memo Sent To AGO	Total Paid	Balance Due	Has Payment Plan	Case Closed
LV-1999-0276	07/22/99	\$1,000.00	\$47.73						\$1,047.73	\$0.00	No	08/24/99
LV-1999-0462	11/29/99	\$1,250.00	\$47.73						\$1,297.73	\$0.00	No	01/10/00
LV-2000-0055	02/23/00	\$2,250.00	\$47.73						\$2,297.73	\$0.00	No	04/03/00
LV-2000-0138	05/12/00	\$1,000.00	\$29.96						\$1,029.96	\$0.00	No	05/25/00
LV-2000-0385	09/07/00	\$1,000.00	\$29.96						\$1,029.96	\$0.00	No	10/09/00
LV-2000-0425	10/05/00	\$2,250.00	\$47.73						\$2,297.73	\$0.00	No	10/18/00
LV-2001-0443	10/30/01	\$1,000.00	\$53.07						\$1,053.07	\$0.00	No	11/28/01
LV-2001-0520	12/19/01	\$250.00	\$53.07						\$303.07	\$0.00	No	01/07/02
LV-2003-0685	10/23/03	\$500.00	\$44.00						\$544.00	\$0.00	No	12/02/03
LV-2003-0686	10/23/03	\$2,000.00	\$44.00						\$2,044.00	\$0.00	No	12/02/03
LV-2003-0687	10/23/03	\$4,000.00	\$44.00						\$4,044.00	\$0.00	No	12/02/03
Total Cases:	11	\$16,500.00	\$488.98						\$16,988.98	\$0.00		

Total Penalties: \$16,988.98 Total Penalties after \$16,988.98

MONITORING REPORT(MR) VIOLATIONS for:

Report Date: 05/01/15 Page: 1 of 1

Permit: NC0026441

MRs Between 3 - 2012 and 2 - 2015

Region: %

Violation Category: %

Facility Name: %

Param Name %

County: %

Subbasin: %

Program Category: %

Major Minor: %

Violation Action: %

PERMIT:	NC0026441	FACILITY:	Town of Siler City - Siler City WWTP	COUNTY:	Chatham	REGION:	Raleigh
---------	-----------	-----------	--------------------------------------	---------	---------	---------	---------

Monitoring Violation

MONITORING REPORT	OUTFALL/ PPI	LOCATION	PARAMETER	VIOLATION DATE	FREQUENCY	UNIT OF MEASURE	LIMIT	CALCULATED VALUE	% Over	VIOLATION TYPE	VIOLATION ACTION
02 - 2015	001	Effluent	BOD, 5-Day (20 Deg. C) - Concentration	02/28/15	5 X week	mg/l				Frequency Violation	No Action, BPJ
02 - 2015	001	Effluent	Coliform, Fecal MF, M-FC Broth, 44, 5C	02/28/15	5 X week	#/100ml				Frequency Violation	No Action, BPJ
02 - 2015	001	Effluent	DO, Oxygen, Dissolved	02/28/15	5 X week	mg/l				Frequency Violation	No Action, BPJ
02 - 2015	001	Effluent	Nitrogen, Ammonia Total (as N) - Concentration	02/28/15	5 X week	mg/l				Frequency Violation	No Action, BPJ
02 - 2015	001	Effluent	pH	02/28/15	5 X week	su				Frequency Violation	No Action, BPJ
02 - 2015	001	Effluent	Temperature, Water Deg. Centigrade	02/28/15	5 X week	deg c				Frequency Violation	No Action, BPJ

Other Violation

MONITORING REPORT	OUTFALL/ PPI	LOCATION	PARAMETER	VIOLATION DATE	FREQUENCY	UNIT OF MEASURE	LIMIT	CALCULATED VALUE	% Over	VIOLATION TYPE	VIOLATION ACTION
03 - 2013				03/11/13						Aquatic toxicity permit limit violation	Proceed to NOV

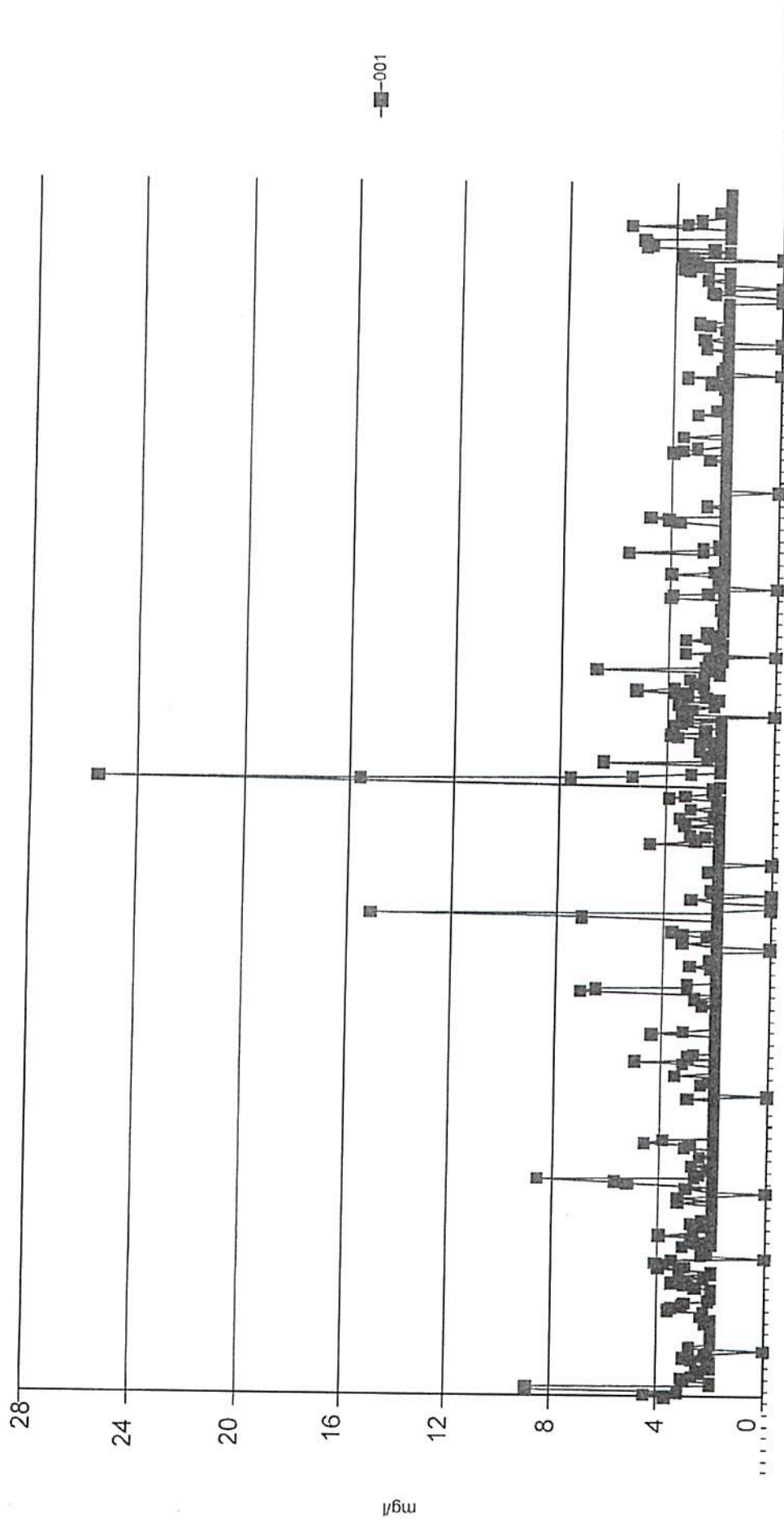
Unsafe to sample
due to winter storm.
according to regional office.

PERMIT NUMBER: NC0026441

FACILITY NAME: Town of Siler City - Siler City WWTP

SAMPLE LOCATION: Effluent

PARAMETER: CO310 - BOD, 5-Day (20 Deg. C) - Concentration



DMR Date

Permit	Version	Facility	Outfall	Month	Day	Year	Parameter	UoM	Value	Modifier
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	10	2014	CO310 - BOD, § mg/l	§ mg/l	25.5	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	11	2014	CO310 - BOD, § mg/l	§ mg/l	15.6	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	12	19	2013	CO310 - BOD, § mg/l	§ mg/l	15.1	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	6	2013	CO310 - BOD, § mg/l	§ mg/l	8.9	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	7	2013	CO310 - BOD, § mg/l	§ mg/l	8.9	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	12	2013	CO310 - BOD, § mg/l	§ mg/l	8.6	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	12	2014	CO310 - BOD, § mg/l	§ mg/l	7.6	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	11	4	2013	CO310 - BOD, § mg/l	§ mg/l	7.1	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	12	18	2013	CO310 - BOD, § mg/l	§ mg/l	7.1	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	5	16	2014	CO310 - BOD, § mg/l	§ mg/l	6.7	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	11	5	2013	CO310 - BOD, § mg/l	§ mg/l	6.5	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	21	2014	CO310 - BOD, § mg/l	§ mg/l	6.4	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	16	2012	CO310 - BOD, § mg/l	§ mg/l	5.7	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	11	2013	CO310 - BOD, § mg/l	§ mg/l	5.7	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	2	6	2015	CO310 - BOD, § mg/l	§ mg/l	5.7	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	2	2012	CO310 - BOD, § mg/l	§ mg/l	5.6	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	7	25	2014	CO310 - BOD, § mg/l	§ mg/l	5.6	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	1	8	2013	CO310 - BOD, § mg/l	§ mg/l	5.5	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	13	2014	CO310 - BOD, § mg/l	§ mg/l	5.3	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	10	2013	CO310 - BOD, § mg/l	§ mg/l	5.2	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	5	5	2014	CO310 - BOD, § mg/l	§ mg/l	5.2	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	29	2015	CO310 - BOD, § mg/l	§ mg/l	5.2	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	25	2012	CO310 - BOD, § mg/l	§ mg/l	5.1	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	26	2012	CO310 - BOD, § mg/l	§ mg/l	5.1	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	26	2015	CO310 - BOD, § mg/l	§ mg/l	5.1	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	1	28	2015	CO310 - BOD, § mg/l	§ mg/l	5.1	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	9	23	2013	CO310 - BOD, § mg/l	§ mg/l	5	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	27	2015	CO310 - BOD, § mg/l	§ mg/l	4.9	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	8	15	2014	CO310 - BOD, § mg/l	§ mg/l	4.8	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	9	2012	CO310 - BOD, § mg/l	§ mg/l	4.6	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	23	2012	CO310 - BOD, § mg/l	§ mg/l	4.6	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	8	5	2013	CO310 - BOD, § mg/l	§ mg/l	4.6	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	1	31	2014	CO310 - BOD, § mg/l	§ mg/l	4.6	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	4	2013	CO310 - BOD, § mg/l	§ mg/l	4.5	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	3	2012	CO310 - BOD, § mg/l	§ mg/l	4.4	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	27	2012	CO310 - BOD, § mg/l	§ mg/l	4.4	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	25	2013	CO310 - BOD, § mg/l	§ mg/l	4.4	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	10	9	2013	CO310 - BOD, § mg/l	§ mg/l	4.4	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	1	7	2013	CO310 - BOD, § mg/l	§ mg/l	4.3	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	4	4	2012	CO310 - BOD, § mg/l	§ mg/l	4.2	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	8	6	2012	CO310 - BOD, § mg/l	§ mg/l	4.2	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	8	13	2012	CO310 - BOD, § mg/l	§ mg/l	4.2	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	5	21	2012	CO310 - BOD, § mg/l	§ mg/l	4.1	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	9	5	2012	CO310 - BOD, § mg/l	§ mg/l	4.1	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	19	2013	CO310 - BOD, § mg/l	§ mg/l	4.1	

average

2.60

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

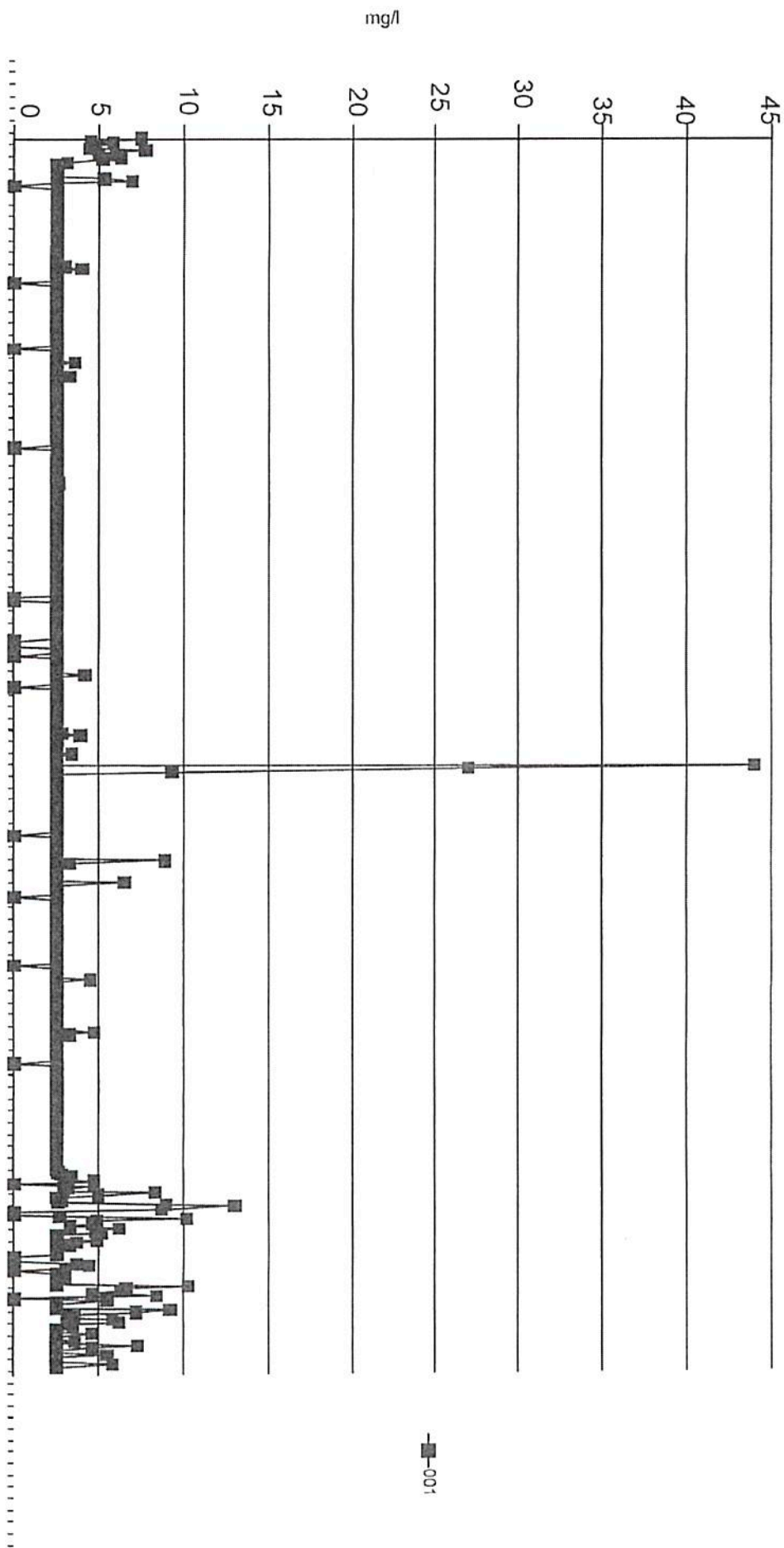
[illegible]

PERMIT NUMBER: NC0026441

FACILITY NAME: Town of Siler City - Siler City WWTP

SAMPLE LOCATION: Effluent

PARAMETER: CO530 - Solids, Total Suspended - Concentration



DMR Date

Permit	Version	Facility	Outfall	Month	Day	Year	Parameter	UoM	Value	Modifier
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	10	2014	CO530 - Solids, mg/l	mg/l	44	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	11	2014	CO530 - Solids, mg/l	mg/l	27	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	9	21	2012	CO530 - Solids, mg/l	mg/l	25	LESSTHAN
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	25	2014	CO530 - Solids, mg/l	mg/l	13	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	12	2015	CO530 - Solids, mg/l	mg/l	10.3	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	2	2014	CO530 - Solids, mg/l	mg/l	10.2	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	12	2014	CO530 - Solids, mg/l	mg/l	9.3	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	26	2015	CO530 - Solids, mg/l	mg/l	9.2	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	24	2014	CO530 - Solids, mg/l	mg/l	9	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	5	5	2014	CO530 - Solids, mg/l	mg/l	8.9	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	26	2014	CO530 - Solids, mg/l	mg/l	8.7	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	16	2015	CO530 - Solids, mg/l	mg/l	8.4	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	17	2014	CO530 - Solids, mg/l	mg/l	8.3	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	8	2013	CO530 - Solids, mg/l	mg/l	7.7	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	1	2013	CO530 - Solids, mg/l	mg/l	7.5	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	8	2013	CO530 - Solids, mg/l	mg/l	7.3	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	2	16	2015	CO530 - Solids, mg/l	mg/l	7.3	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	27	2015	CO530 - Solids, mg/l	mg/l	7.2	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	27	2013	CO530 - Solids, mg/l	mg/l	6.9	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	13	2015	CO530 - Solids, mg/l	mg/l	6.6	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	5	16	2014	CO530 - Solids, mg/l	mg/l	6.5	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	13	2013	CO530 - Solids, mg/l	mg/l	6.3	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	14	2015	CO530 - Solids, mg/l	mg/l	6.3	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	8	2014	CO530 - Solids, mg/l	mg/l	6.2	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	2	2	2015	CO530 - Solids, mg/l	mg/l	6.2	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	12	2013	CO530 - Solids, mg/l	mg/l	6	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	5	2013	CO530 - Solids, mg/l	mg/l	5.8	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	30	2015	CO530 - Solids, mg/l	mg/l	5.8	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	2	26	2015	CO530 - Solids, mg/l	mg/l	5.8	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	20	2015	CO530 - Solids, mg/l	mg/l	5.5	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	20	2015	CO530 - Solids, mg/l	mg/l	5.5	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	26	2013	CO530 - Solids, mg/l	mg/l	5.3	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	13	2013	CO530 - Solids, mg/l	mg/l	5.2	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	14	2013	CO530 - Solids, mg/l	mg/l	5.2	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	10	2014	CO530 - Solids, mg/l	mg/l	5.1	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	11	2013	CO530 - Solids, mg/l	mg/l	5	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	18	2014	CO530 - Solids, mg/l	mg/l	5	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	3	2014	CO530 - Solids, mg/l	mg/l	4.9	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	15	2014	CO530 - Solids, mg/l	mg/l	4.9	
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	6	2013	CO530 - Solids, mg/l	mg/l	4.8	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	9	2014	CO530 - Solids, mg/l	mg/l	4.8	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	8	13	2014	CO530 - Solids, mg/l	mg/l	4.7	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	10	2014	CO530 - Solids, mg/l	mg/l	4.7	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	12	2014	CO530 - Solids, mg/l	mg/l	4.7	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	4	2014	CO530 - Solids, mg/l	mg/l	4.6	
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	15	2015	CO530 - Solids, mg/l	mg/l	4.6	

average

2.92

NC0026441	4.00	Town of Siler City - Siler City WWTP	001	2	9	2015	CO530 - Solids,	mg/l	4.6
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	2	17	2015	CO530 - Solids,	mg/l	4.6
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	14	2013	CO530 - Solids,	mg/l	4.5
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	18	2013	CO530 - Solids,	mg/l	4.5
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	4	2013	CO530 - Solids,	mg/l	4.5
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	7	14	2014	CO530 - Solids,	mg/l	4.5
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	7	2013	CO530 - Solids,	mg/l	4.4
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	30	2014	CO530 - Solids,	mg/l	4.4
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	1	13	2014	CO530 - Solids,	mg/l	4.2
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	19	2013	CO530 - Solids,	mg/l	4
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	5	17	2013	CO530 - Solids,	mg/l	4
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	18	2014	CO530 - Solids,	mg/l	3.9
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	16	2014	CO530 - Solids,	mg/l	3.7
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	29	2014	CO530 - Solids,	mg/l	3.7
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	12	2013	CO530 - Solids,	mg/l	3.6
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	29	2015	CO530 - Solids,	mg/l	3.6
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	2	12	2015	CO530 - Solids,	mg/l	3.6
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	2	4	2015	CO530 - Solids,	mg/l	3.5
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	28	2014	CO530 - Solids,	mg/l	3.4
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	6	2014	CO530 - Solids,	mg/l	3.4
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	1	31	2013	CO530 - Solids,	mg/l	3.3
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	6	2013	CO530 - Solids,	mg/l	3.3
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	7	2013	CO530 - Solids,	mg/l	3.3
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	26	2013	CO530 - Solids,	mg/l	3.3
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	7	22	2013	CO530 - Solids,	mg/l	3.3
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	5	6	2014	CO530 - Solids,	mg/l	3.3
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	8	14	2014	CO530 - Solids,	mg/l	3.3
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	5	2014	CO530 - Solids,	mg/l	3.3
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	17	2014	CO530 - Solids,	mg/l	3.3
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	13	2014	CO530 - Solids,	mg/l	3.2
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	3	15	2013	CO530 - Solids,	mg/l	3.1
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	28	2015	CO530 - Solids,	mg/l	3.1
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	2	3	2015	CO530 - Solids,	mg/l	3.1
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	12	2013	CO530 - Solids,	mg/l	3
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	5	16	2013	CO530 - Solids,	mg/l	3
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	31	2014	CO530 - Solids,	mg/l	3
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	1	6	2015	CO530 - Solids,	mg/l	3
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	8	2	2012	CO530 - Solids,	mg/l	2.9
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	5	2013	CO530 - Solids,	mg/l	2.9
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	7	2014	CO530 - Solids,	mg/l	2.9
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	14	2014	CO530 - Solids,	mg/l	2.8
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	1	29	2013	CO530 - Solids,	mg/l	2.8
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	2	17	2014	CO530 - Solids,	mg/l	2.8
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	5	2014	CO530 - Solids,	mg/l	2.8
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	11	20	2014	CO530 - Solids,	mg/l	2.8
NC0026441	4.00	Town of Siler City - Siler City WWTP	001	12	1	2014	CO530 - Solids,	mg/l	2.7
NC0026441	3.00	Town of Siler City - Siler City WWTP	001	9	23	2013	CO530 - Solids,	mg/l	2.6

[illegible]

[illegible]

[illegible]

[illegible]

Mendez, Gayla

From: Will Hendrick <whendrick@selcnc.org>
Sent: Wednesday, October 21, 2015 4:14 PM
To: Purify, Johnnie
Subject: RE: NC NPDES permitting question
Attachments: removed.txt

Mr. Purify,

I appreciate your prompt attention to my questions and the efforts underway to thoroughly answer them. I look forward to hearing from you soon.

Best,
Will

From: Purify, Johnnie [mailto:Purify.Johnnie@epa.gov]
Sent: Wednesday, October 21, 2015 3:34 PM
To: Will Hendrick
Cc: Chandra Taylor
Subject: RE: NC NPDES permitting question

Hello Mr. Hendrick,

I just wanted to update you on the progress to answer the questions that you presented.

Staff have been actively working to find answers to the questions you have presented in your email. The timeline we had discussed via phone was a bit short-sighted on my part being new, but I will try to keep you abreast of any progress that is made moving forward.

At this time the historical question(s) you presented are taking the most time to run down a person who may have worked in the section during that period of time.

Thank you for your patience,

//JDP//

Johnnie D. Purify Jr.

Lieutenant Commander, U.S. Public Health Service
U.S. Environmental Protection Agency, Region 4
Water Protection Division
(Acting) Chief, NPDES Permitting Section/
Chief, Data and Information Analysis Section
404.562.9298 (Work) / 770.324.0957 (Mobile)
purify.johnnie@epa.gov
<http://www.linkedin.com/in/johnniepurify>



From: Will Hendrick [mailto:whendrick@selcnc.org]
Sent: Wednesday, October 14, 2015 4:05 PM

To: Purify, Johnnie <Purify.Johnnie@epa.gov>
Cc: Chandra Taylor <ctaylor@selcnc.org>
Subject: NC NPDES permitting question

Mr. Purify,

First, congratulations on your new position as Acting Branch Chief! I apologize for ambushing you on Day 2, but appreciate your willingness to help me respond to my clients' concerns. As discussed on the phone, I'm writing with some questions related to North Carolina's NPDES program. While I know NC administers the program through delegated authority pursuant to the MOA between the State and Region 4, I was hoping to gain some clarity from Region 4 before meeting with NC regulators to discuss this matter.

My questions arise from the application of [permitting guidance](#) adopted by NC in 2012. The guidance allows (and creates a procedure) for the reduction of the frequency of required monitoring for specified parameters in NPDES permits issued to regulate discharges from sewerage systems (i.e., facilities included in Standard Industrial Classification category 4952). I would be thankful for any answers you can provide to the following inquiries:

- (1) Under the MOA, the State must keep EPA "fully informed and up-to-date regarding" both "[d]raft and final policy and program documents related to the State NPDES program" and "[d]raft, proposed, and final technical guidance and policies which pertain to the State NPDES program." Was Region 4 made aware of the issuance of the guidance in 2012? If so, was the guidance approved by EPA?
- (2) Under 40 CFR 122.62, "If a permit modification satisfies the criteria in § 122.63 for 'minor modifications' the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in part 124 (or procedures of an approved State program) followed." Under § 122.63, modifications requiring "more frequent monitoring or reporting by the permittee" are considered "minor modifications." Are permit modifications that require *less* frequent monitoring or reporting by the permittee also considered "minor modifications"?
- (3) Under the MOA, the State is responsible for drafting permits "in accordance with 40 CFR Parts 122-123." If a permit modification made pursuant to the 2012 guidance would lessen the frequency of required monitoring, must NC prepare a draft permit?
- (4) Under the MOA, EPA "will review all draft State NPDES program permits, permit modifications and revocation and reissuances" for "discharges from publicly owned treatment works (POTWs) with a daily average permitted discharge of at least 1.0 million gallons per day." Does Region 4 review draft permit modifications made pursuant to the 2012 guidance, or is Region 4 simply alerted after the fact? (For instance, did EPA review the proposed modification of the NPDES permit issued for the operation of the Siler City WWTP—a POTW permitted to discharge up to 4.0 MGD—prior to issuance of modified monitoring requirements? See attached).
- (5) Under the MOA, public notice is required "whenever a draft permit has been prepared under 40 CFR Section 124.6(d) or a hearing has been scheduled pursuant to 40 CFR Section 121.12." If the 2012 guidance is applied to lower monitoring frequency, and a draft permit is required, must NC provide public notice?
- (6) Under NC rules applicable to NC's NPDES program, "Modifications and reissuance of permits shall be subject to the same public notice and other procedural requirements as the issuance of permits" with limited exceptions, one of which is applicable to "modifications of the monitoring program contained in the permit." 15A NCAC 2H .0114. If reducing the frequency of requiring monitoring is *not* a minor modification, is this NC rule consistent with 40 CFR 122.62?

Thanks in advance for your help. I was glad to learn that this general issue was already on Region 4's radar. I look forward to the help that you and your staff will provide.

Best,
Will

Will Hendrick

Associate Attorney

Southern Environmental Law Center

601 W. Rosemary Street, Suite 220

Chapel Hill, NC 27516-2356

(919) 967-1450

whendrick@selcnc.org

This electronic message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product or other privileges.

Mendez, Gayla

From: Will Hendrick <whendrick@selcnc.org>
Sent: Thursday, November 19, 2015 11:47 AM
To: Purify, Johnnie
Subject: RE: NC NPDES permitting question
Attachments: removed.txt

Mr. Purify,

Are there any updates/answers that you can provide at this time? I understand that you have a lot on your plate, and I certainly wasn't expecting my questions to be a high priority. That said, it has been over a month since my initial inquiry, and my clients are still interested to learn Region 4's take on the issues presented.

You indicated that my historical questions were the most difficult to answer. I appreciate the diligence with which your staff continues to seek answers to those questions. However, would it be possible at this time to answer the non-historical questions (i.e, #s 2,3,5 & 6), as doing so essentially only requires interpretation/application of federal regulations?

I sincerely appreciate your help on this matter, and hope I don't seem impatient. I just want to get to the bottom of this issue and believe your opinion/guidance to be critical to achieving resolution.

Thanks again,
Will

From: Purify, Johnnie [mailto:Purify.Johnnie@epa.gov]
Sent: Wednesday, October 21, 2015 3:34 PM
To: Will Hendrick
Cc: Chandra Taylor
Subject: RE: NC NPDES permitting question

Hello Mr. Hendrick,

I just wanted to update you on the progress to answer the questions that you presented.

Staff have been actively working to find answers to the questions you have presented in your email. The timeline we had discussed via phone was a bit short-sighted on my part being new, but I will try to keep you abreast of any progress that is made moving forward.

At this time the historical question(s) you presented are taking the most time to run down a person who may have worked in the section during that period of time.

Thank you for your patience,

//JDP//

Johnnie D. Purify Jr.
Lieutenant Commander, U.S. Public Health Service
U.S. Environmental Protection Agency, Region 4
Water Protection Division
(Acting) Chief, NPDES Permitting Section/

Chief, Data and Information Analysis Section
404.562.9298 (Work) / 770.324.0957 (Mobile)
purify.johnnie@epa.gov
<http://www.linkedin.com/in/johnniepurify>



From: Will Hendrick [<mailto:whendrick@selcnc.org>]
Sent: Wednesday, October 14, 2015 4:05 PM
To: Purify, Johnnie <Purify.Johnnie@epa.gov>
Cc: Chandra Taylor <ctaylor@selcnc.org>
Subject: NC NPDES permitting question

Mr. Purify,

First, congratulations on your new position as Acting Branch Chief! I apologize for ambushing you on Day 2, but appreciate your willingness to help me respond to my clients' concerns. As discussed on the phone, I'm writing with some questions related to North Carolina's NPDES program. While I know NC administers the program through delegated authority pursuant to the MOA between the State and Region 4, I was hoping to gain some clarity from Region 4 before meeting with NC regulators to discuss this matter.

My questions arise from the application of [permitting guidance](#) adopted by NC in 2012. The guidance allows (and creates a procedure) for the reduction of the frequency of required monitoring for specified parameters in NPDES permits issued to regulate discharges from sewerage systems (i.e., facilities included in Standard Industrial Classification category 4952). I would be thankful for any answers you can provide to the following inquiries:

- (1) Under the MOA, the State must keep EPA "fully informed and up-to-date regarding" both "[d]raft and final policy and program documents related to the State NPDES program" and "[d]raft, proposed, and final technical guidance and policies which pertain to the State NPDES program." Was Region 4 made aware of the issuance of the guidance in 2012? If so, was the guidance approved by EPA?
- (2) Under 40 CFR 122.62, "If a permit modification satisfies the criteria in § 122.63 for 'minor modifications' the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in part 124 (or procedures of an approved State program) followed." Under § 122.63, modifications requiring "more frequent monitoring or reporting by the permittee" are considered "minor modifications." Are permit modifications that require *less* frequent monitoring or reporting by the permittee also considered "minor modifications"?
- (3) Under the MOA, the State is responsible for drafting permits "in accordance with 40 CFR Parts 122-123." If a permit modification made pursuant to the 2012 guidance would lessen the frequency of required monitoring, must NC prepare a draft permit?
- (4) Under the MOA, EPA "will review all draft State NPDES program permits, permit modifications and revocation and reissuances" for "discharges from publicly owned treatment works (POTWs) with a daily average permitted discharge of at least 1.0 million gallons per day." Does Region 4 review draft permit modifications made pursuant to the 2012 guidance, or is Region 4 simply alerted after the fact? (For instance, did EPA review the proposed modification of the NPDES permit issued for the operation of the Siler City WWTP—a POTW permitted to discharge up to 4.0 MGD—prior to issuance of modified monitoring requirements? See attached).
- (5) Under the MOA, public notice is required "whenever a draft permit has been prepared under 40 CFR Section 124.6(d) or a hearing has been scheduled pursuant to 40 CFR Section 121.12." If the 2012 guidance is applied to lower monitoring frequency, and a draft permit is required, must NC provide public notice?
- (6) Under NC rules applicable to NC's NPDES program, "Modifications and reissuance of permits shall be subject to the same public notice and other procedural requirements as the issuance of permits" with limited exceptions, one of which is applicable to "modifications of the monitoring program contained in the permit." 15A NCAC 2H

.0114. If reducing the frequency of requiring monitoring is *not* a minor modification, is this NC rule consistent with 40 CFR 122.62?

Thanks in advance for your help. I was glad to learn that this general issue was already on Region 4's radar. I look forward to the help that you and your staff will provide.

Best,
Will

Will Hendrick

Associate Attorney
Southern Environmental Law Center
601 W. Rosemary Street, Suite 220
Chapel Hill, NC 27516-2356
(919) 967-1450
whendrick@selcnc.org

This electronic message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product or other privileges.

Mendez, Gayla

From: Purify, Johnnie
Sent: Thursday, November 19, 2015 12:36 PM
To: Will Hendrick
Subject: RE: NC NPDES permitting question

Good Day Mr. Hendrick,

The response to your questions is being finalized and is forthcoming.

All the best,

//JDP//

Johnnie D. Purify Jr.

Lieutenant Commander, U.S. Public Health Service
U.S. Environmental Protection Agency, Region 4
Water Protection Division
(Acting) Chief, NPDES Permitting Section /
Chief, Data and Information Analysis Section
404.562.9298 (Work) / 770.324.0957 (Mobile)
purify.johnnie@epa.gov
<http://www.linkedin.com/in/johnniepurify>



From: Will Hendrick [mailto:whendrick@selcnc.org]
Sent: Thursday, November 19, 2015 11:47 AM
To: Purify, Johnnie <Purify.Johnnie@epa.gov>
Subject: RE: NC NPDES permitting question

Mr. Purify,

Are there any updates/answers that you can provide at this time? I understand that you have a lot on your plate, and I certainly wasn't expecting my questions to be a high priority. That said, it has been over a month since my initial inquiry, and my clients are still interested to learn Region 4's take on the issues presented.

You indicated that my historical questions were the most difficult to answer. I appreciate the diligence with which your staff continues to seek answers to those questions. However, would it be possible at this time to answer the non-historical questions (i.e., #s 2,3,5 & 6), as doing so essentially only requires interpretation/application of federal regulations?

I sincerely appreciate your help on this matter, and hope I don't seem impatient. I just want to get to the bottom of this issue and believe your opinion/guidance to be critical to achieving resolution.

Thanks again,
Will

From: Purify, Johnnie [mailto:Purify.Johnnie@epa.gov]
Sent: Wednesday, October 21, 2015 3:34 PM

To: Will Hendrick
Cc: Chandra Taylor
Subject: RE: NC NPDES permitting question

Hello Mr. Hendrick,

I just wanted to update you on the progress to answer the questions that you presented.

Staff have been actively working to find answers to the questions you have presented in your email. The timeline we had discussed via phone was a bit short-sighted on my part being new, but I will try to keep you abreast of any progress that is made moving forward.

At this time the historical question(s) you presented are taking the most time to run down a person who may have worked in the section during that period of time.

Thank you for your patience,

//JDP//

Johnnie D. Purify Jr.

Lieutenant Commander, U.S. Public Health Service
U.S. Environmental Protection Agency, Region 4
Water Protection Division
(Acting) Chief, NPDES Permitting Section/
Chief, Data and Information Analysis Section
404.562.9298 (Work) / 770.324.0957 (Mobile)
purify.johnnie@epa.gov
<http://www.linkedin.com/in/johnniepurify>



From: Will Hendrick [<mailto:whendrick@selcnc.org>]
Sent: Wednesday, October 14, 2015 4:05 PM
To: Purify, Johnnie <Purify.Johnnie@epa.gov>
Cc: Chandra Taylor <ctaylor@selcnc.org>
Subject: NC NPDES permitting question

Mr. Purify,

First, congratulations on your new position as Acting Branch Chief! I apologize for ambushing you on Day 2, but appreciate your willingness to help me respond to my clients' concerns. As discussed on the phone, I'm writing with some questions related to North Carolina's NPDES program. While I know NC administers the program through delegated authority pursuant to the MOA between the State and Region 4, I was hoping to gain some clarity from Region 4 before meeting with NC regulators to discuss this matter.

My questions arise from the application of [permitting guidance](#) adopted by NC in 2012. The guidance allows (and creates a procedure) for the reduction of the frequency of required monitoring for specified parameters in NPDES permits issued to regulate discharges from sewerage systems (i.e., facilities included in Standard Industrial Classification category 4952). I would be thankful for any answers you can provide to the following inquiries:

- (1) Under the MOA, the State must keep EPA "fully informed and up-to-date regarding" both "[d]raft and final policy and program documents related to the State NPDES program" and "[d]raft, proposed, and final technical

guidance and policies which pertain to the State NPDES program.” Was Region 4 was made aware of the issuance of the guidance in 2012? If so, was the guidance approved by EPA?

- (2) Under 40 CFR 122.62, “If a permit modification satisfies the criteria in § 122.63 for ‘minor modifications’ the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in part 124 (or procedures of an approved State program) followed.” Under § 122.63, modifications requiring “more frequent monitoring or reporting by the permittee” are considered “minor modifications.” Are permit modifications that require *less* frequent monitoring or reporting by the permittee also considered “minor modifications”?
- (3) Under the MOA, the State is responsible for drafting permits “in accordance with 40 CFR Parts 122-123.” If a permit modification made pursuant to the 2012 guidance would lessen the frequency of required monitoring, must NC prepare a draft permit?
- (4) Under the MOA, EPA “will review all draft State NPDES program permits, permit modifications and revocation and reissuances” for “discharges from publicly owned treatment works (POTWs) with a daily average permitted discharge of at least 1.0 million gallons per day.” Does Region 4 review draft permit modifications made pursuant to the 2012 guidance, or is Region 4 simply alerted after the fact? (For instance, did EPA review the proposed modification of the NPDES permit issued for the operation of the Siler City WWTP—a POTW permitted to discharge up to 4.0 MGD—prior to issuance of modified monitoring requirements? See attached).
- (5) Under the MOA, public notice is required “whenever a draft permit has been prepared under 40 CFR Section 124.6(d) or a hearing has been scheduled pursuant to 40 CFR Section 121.12.” If the 2012 guidance is applied to lower monitoring frequency, and a draft permit is required, must NC provide public notice?
- (6) Under NC rules applicable to NC’s NPDES program, “Modifications and reissuance of permits shall be subject to the same public notice and other procedural requirements as the issuance of permits” with limited exceptions, one of which is applicable to “modifications of the monitoring program contained in the permit.” 15A NCAC 2H .0114. If reducing the frequency of requiring monitoring is *not* a minor modification, is this NC rule consistent with 40 CFR 122.62?

Thanks in advance for your help. I was glad to learn that this general issue was already on Region 4’s radar. I look forward to the help that you and your staff will provide.

Best,
Will

Will Hendrick

Associate Attorney
Southern Environmental Law Center
601 W. Rosemary Street, Suite 220
Chapel Hill, NC 27516-2356
(919) 967-1450

whendrick@selcnc.org

This electronic message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product or other privileges.

Mendez, Gayla

From: Will Hendrick <whendrick@selcnc.org>
Sent: Thursday, December 03, 2015 1:59 PM
To: Purify, Johnnie
Subject: RE: NC NPDES permitting question
Attachments: removed.txt

Mr. Purify,

Have the responses to the questions I submitted on 10/14/15 been finalized? If not, can you estimate when that will occur? I really don't mean to pester you; I'm just sure you and your staff are very busy and I don't want this to slip through the cracks (my clients are keenly interested in your answers and have repeatedly asked me for updates). Thanks in advance for your guidance. And thanks as always for the work you do to preserve water quality in Region IV.

Best,
Will

From: Purify, Johnnie [mailto:Purify.Johnnie@epa.gov]
Sent: Thursday, November 19, 2015 12:36 PM
To: Will Hendrick
Subject: RE: NC NPDES permitting question

Good Day Mr. Hendrick,

The response to your questions is being finalized and is forthcoming.

All the best,

//JDP//

Johnnie D. Purify Jr.

Lieutenant Commander, U.S. Public Health Service
U.S. Environmental Protection Agency, Region 4
Water Protection Division
(Acting) Chief, NPDES Permitting Section /
Chief, Data and Information Analysis Section
404.562.9298 (Work) / 770.324.0957 (Mobile)
purify.johnnie@epa.gov
<http://www.linkedin.com/in/johnniepurify>



From: Will Hendrick [mailto:whendrick@selcnc.org]
Sent: Thursday, November 19, 2015 11:47 AM
To: Purify, Johnnie <Purify.Johnnie@epa.gov>
Subject: RE: NC NPDES permitting question

Mr. Purify,

Are there any updates/answers that you can provide at this time? I understand that you have a lot on your plate, and I certainly wasn't expecting my questions to be a high priority. That said, it has been over a month since my initial inquiry, and my clients are still interested to learn Region 4's take on the issues presented.

You indicated that my historical questions were the most difficult to answer. I appreciate the diligence with which your staff continues to seek answers to those questions. However, would it be possible at this time to answer the non-historical questions (i.e, #s 2,3,5 & 6), as doing so essentially only requires interpretation/application of federal regulations?

I sincerely appreciate your help on this matter, and hope I don't seem impatient. I just want to get to the bottom of this issue and believe your opinion/guidance to be critical to achieving resolution.

Thanks again,
Will

From: Purify, Johnnie [<mailto:Purify.Johnnie@epa.gov>]
Sent: Wednesday, October 21, 2015 3:34 PM
To: Will Hendrick
Cc: Chandra Taylor
Subject: RE: NC NPDES permitting question

Hello Mr. Hendrick,

I just wanted to update you on the progress to answer the questions that you presented.

Staff have been actively working to find answers to the questions you have presented in your email. The timeline we had discussed via phone was a bit short-sighted on my part being new, but I will try to keep you abreast of any progress that is made moving forward.

At this time the historical question(s) you presented are taking the most time to run down a person who may have worked in the section during that period of time.

Thank you for your patience,

//JDP//

Johnnie D. Purify Jr.
Lieutenant Commander, U.S. Public Health Service
U.S. Environmental Protection Agency, Region 4
Water Protection Division
(Acting) Chief, NPDES Permitting Section/
Chief, Data and Information Analysis Section
404.562.9298 (Work) / 770.324.0957 (Mobile)
purify.johnnie@epa.gov
<http://www.linkedin.com/in/johnniepurify>



From: Will Hendrick [<mailto:whendrick@selcnc.org>]
Sent: Wednesday, October 14, 2015 4:05 PM
To: Purify, Johnnie <Purify.Johnnie@epa.gov>
Cc: Chandra Taylor <ctaylor@selcnc.org>
Subject: NC NPDES permitting question

Mr. Purify,

First, congratulations on your new position as Acting Branch Chief! I apologize for ambushing you on Day 2, but appreciate your willingness to help me respond to my clients' concerns. As discussed on the phone, I'm writing with some questions related to North Carolina's NPDES program. While I know NC administers the program through delegated authority pursuant to the MOA between the State and Region 4, I was hoping to gain some clarity from Region 4 before meeting with NC regulators to discuss this matter.

My questions arise from the application of [permitting guidance](#) adopted by NC in 2012. The guidance allows (and creates a procedure) for the reduction of the frequency of required monitoring for specified parameters in NPDES permits issued to regulate discharges from sewerage systems (i.e., facilities included in Standard Industrial Classification category 4952). I would be thankful for any answers you can provide to the following inquiries:

- (1) Under the MOA, the State must keep EPA "fully informed and up-to-date regarding" both "[d]raft and final policy and program documents related to the State NPDES program" and "[d]raft, proposed, and final technical guidance and policies which pertain to the State NPDES program." Was Region 4 made aware of the issuance of the guidance in 2012? If so, was the guidance approved by EPA?
- (2) Under 40 CFR 122.62, "If a permit modification satisfies the criteria in § 122.63 for 'minor modifications' the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in part 124 (or procedures of an approved State program) followed." Under § 122.63, modifications requiring "more frequent monitoring or reporting by the permittee" are considered "minor modifications." Are permit modifications that require *less* frequent monitoring or reporting by the permittee also considered "minor modifications"?
- (3) Under the MOA, the State is responsible for drafting permits "in accordance with 40 CFR Parts 122-123." If a permit modification made pursuant to the 2012 guidance would lessen the frequency of required monitoring, must NC prepare a draft permit?
- (4) Under the MOA, EPA "will review all draft State NPDES program permits, permit modifications and revocation and reissuances" for "discharges from publicly owned treatment works (POTWs) with a daily average permitted discharge of at least 1.0 million gallons per day." Does Region 4 review draft permit modifications made pursuant to the 2012 guidance, or is Region 4 simply alerted after the fact? (For instance, did EPA review the proposed modification of the NPDES permit issued for the operation of the Siler City WWTP—a POTW permitted to discharge up to 4.0 MGD—prior to issuance of modified monitoring requirements? See attached).
- (5) Under the MOA, public notice is required "whenever a draft permit has been prepared under 40 CFR Section 124.6(d) or a hearing has been scheduled pursuant to 40 CFR Section 121.12." If the 2012 guidance is applied to lower monitoring frequency, and a draft permit is required, must NC provide public notice?
- (6) Under NC rules applicable to NC's NPDES program, "Modifications and reissuance of permits shall be subject to the same public notice and other procedural requirements as the issuance of permits" with limited exceptions, one of which is applicable to "modifications of the monitoring program contained in the permit." 15A NCAC 2H .0114. If reducing the frequency of requiring monitoring is *not* a minor modification, is this NC rule consistent with 40 CFR 122.62?

Thanks in advance for your help. I was glad to learn that this general issue was already on Region 4's radar. I look forward to the help that you and your staff will provide.

Best,
Will

Will Hendrick
Associate Attorney
Southern Environmental Law Center

601 W. Rosemary Street, Suite 220
Chapel Hill, NC 27516-2356
(919) 967-1450
whendrick@selcnc.org

This electronic message and any attached files are confidential and are intended solely for the use of the addressee(s) named above.
This communication may contain material protected by attorney-client, work product or other privileges.

Mendez, Gayla

From: Purify, Johnnie
Sent: Friday, December 04, 2015 9:59 AM
To: Will Hendrick
Cc: Purify, Johnnie
Subject: RE: NC NPDES permitting question

Hello Mr. Hendrick,

A draft response has been developed, but it must be vetted before finalizing. The time frame for release is dependent upon the level of scrutiny the response warrants.

Thank you for your patience, and your request has not been forgotten.

All the best,

//JDP//

Johnnie Purify, LCDR, USPHS
(Acting) Chief, Water Quality Planning Branch/
Chief, Data Information and Analysis Section
Purify.Johnnie@epa.gov
[404-562-9298](tel:404-562-9298)

From: Will Hendrick [mailto:whendrick@selcnc.org]
Sent: Thursday, December 3, 2015 1:59 PM
To: Purify, Johnnie
Subject: RE: NC NPDES permitting question

Mr. Purify,

Have the responses to the questions I submitted on 10/14/15 been finalized? If not, can you estimate when that will occur? I really don't mean to pester you; I'm just sure you and your staff are very busy and I don't want this to slip through the cracks (my clients are keenly interested in your answers and have repeatedly asked me for updates). Thanks in advance for your guidance. And thanks as always for the work you do to preserve water quality in Region IV.

Best,
Will

From: Purify, Johnnie [mailto:Purify.Johnnie@epa.gov]
Sent: Thursday, November 19, 2015 12:36 PM
To: Will Hendrick
Subject: RE: NC NPDES permitting question

Good Day Mr. Hendrick,

The response to your questions is being finalized and is forthcoming.

All the best,

//JDP//

Johnnie D. Purify Jr.

Lieutenant Commander, U.S. Public Health Service
U.S. Environmental Protection Agency, Region 4
Water Protection Division
(Acting) Chief, NPDES Permitting Section /
Chief, Data and Information Analysis Section
404.562.9298 (Work) / 770.324.0957 (Mobile)
purify.johnnie@epa.gov
<http://www.linkedin.com/in/johnniepurify>



From: Will Hendrick [<mailto:whendrick@selcnc.org>]
Sent: Thursday, November 19, 2015 11:47 AM
To: Purify, Johnnie <Purify.Johnnie@epa.gov>
Subject: RE: NC NPDES permitting question

Mr. Purify,

Are there any updates/answers that you can provide at this time? I understand that you have a lot on your plate, and I certainly wasn't expecting my questions to be a high priority. That said, it has been over a month since my initial inquiry, and my clients are still interested to learn Region 4's take on the issues presented.

You indicated that my historical questions were the most difficult to answer. I appreciate the diligence with which your staff continues to seek answers to those questions. However, would it be possible at this time to answer the non-historical questions (i.e, #s 2,3,5 & 6), as doing so essentially only requires interpretation/application of federal regulations?

I sincerely appreciate your help on this matter, and hope I don't seem impatient. I just want to get to the bottom of this issue and believe your opinion/guidance to be critical to achieving resolution.

Thanks again,
Will

From: Purify, Johnnie [<mailto:Purify.Johnnie@epa.gov>]
Sent: Wednesday, October 21, 2015 3:34 PM
To: Will Hendrick
Cc: Chandra Taylor
Subject: RE: NC NPDES permitting question

Hello Mr. Hendrick,

I just wanted to update you on the progress to answer the questions that you presented.

Staff have been actively working to find answers to the questions you have presented in your email. The timeline we had discussed via phone was a bit short-sighted on my part being new, but I will try to keep you abreast of any progress that is made moving forward.

At this time the historical question(s) you presented are taking the most time to run down a person who may have worked in the section during that period of time.

Thank you for your patience,

//JDP//

Johnnie D. Purify Jr.

Lieutenant Commander, U.S. Public Health Service
U.S. Environmental Protection Agency, Region 4
Water Protection Division
(Acting) Chief, NPDES Permitting Section/
Chief, Data and Information Analysis Section
404.562.9298 (Work) / 770.324.0957 (Mobile)
purify.johnnie@epa.gov
<http://www.linkedin.com/in/johnniepurify>



From: Will Hendrick [<mailto:whendrick@selcnc.org>]
Sent: Wednesday, October 14, 2015 4:05 PM
To: Purify, Johnnie <Purify.Johnnie@epa.gov>
Cc: Chandra Taylor <ctaylor@selcnc.org>
Subject: NC NPDES permitting question

Mr. Purify,

First, congratulations on your new position as Acting Branch Chief! I apologize for ambushing you on Day 2, but appreciate your willingness to help me respond to my clients' concerns. As discussed on the phone, I'm writing with some questions related to North Carolina's NPDES program. While I know NC administers the program through delegated authority pursuant to the MOA between the State and Region 4, I was hoping to gain some clarity from Region 4 before meeting with NC regulators to discuss this matter.

My questions arise from the application of [permitting guidance](#) adopted by NC in 2012. The guidance allows (and creates a procedure) for the reduction of the frequency of required monitoring for specified parameters in NPDES permits issued to regulate discharges from sewerage systems (i.e., facilities included in Standard Industrial Classification category 4952). I would be thankful for any answers you can provide to the following inquiries:

- (1) Under the MOA, the State must keep EPA "fully informed and up-to-date regarding" both "[d]raft and final policy and program documents related to the State NPDES program" and "[d]raft, proposed, and final technical guidance and policies which pertain to the State NPDES program." Was Region 4 made aware of the issuance of the guidance in 2012? If so, was the guidance approved by EPA?
- (2) Under 40 CFR 122.62, "If a permit modification satisfies the criteria in § 122.63 for 'minor modifications' the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in part 124 (or procedures of an approved State program) followed." Under § 122.63, modifications requiring "more frequent monitoring or reporting by the permittee" are considered "minor modifications." Are permit modifications that require *less* frequent monitoring or reporting by the permittee also considered "minor modifications"?
- (3) Under the MOA, the State is responsible for drafting permits "in accordance with 40 CFR Parts 122-123." If a permit modification made pursuant to the 2012 guidance would lessen the frequency of required monitoring, must NC prepare a draft permit?
- (4) Under the MOA, EPA "will review all draft State NPDES program permits, permit modifications and revocation and reissuances" for "discharges from publicly owned treatment works (POTWs) with a daily average permitted

discharge of at least 1.0 million gallons per day.” Does Region 4 review draft permit modifications made pursuant to the 2012 guidance, or is Region 4 simply alerted after the fact? (For instance, did EPA review the proposed modification of the NPDES permit issued for the operation of the Siler City WWTP—a POTW permitted to discharge up to 4.0 MGD—prior to issuance of modified monitoring requirements? See attached).

- (5) Under the MOA, public notice is required “whenever a draft permit has been prepared under 40 CFR Section 124.6(d) or a hearing has been scheduled pursuant to 40 CFR Section 121.12.” If the 2012 guidance is applied to lower monitoring frequency, and a draft permit is required, must NC provide public notice?
- (6) Under NC rules applicable to NC’s NPDES program, “Modifications and reissuance of permits shall be subject to the same public notice and other procedural requirements as the issuance of permits” with limited exceptions, one of which is applicable to “modifications of the monitoring program contained in the permit.” 15A NCAC 2H .0114. If reducing the frequency of requiring monitoring is *not* a minor modification, is this NC rule consistent with 40 CFR 122.62?

Thanks in advance for your help. I was glad to learn that this general issue was already on Region 4’s radar. I look forward to the help that you and your staff will provide.

Best,
Will

Will Hendrick
Associate Attorney
Southern Environmental Law Center
601 W. Rosemary Street, Suite 220
Chapel Hill, NC 27516-2356
(919) 967-1450
whendrick@selcnc.org

This electronic message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product or other privileges.